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The Morning Star

**NORTHERN CHEYENNE TRIBE
OFFICE OF THE PRESIDENT**

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PHONE (406) 477- 4871 FAX (406) 477- 6210
May 2, 2018



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The Morning Star

Suzanne J. Bohan
Assistant Regional Administrator
1595 Wynkoop Street
Denver, CO 80202-1129

Re: EPA NPDES Inspections on the Northern Cheyenne Reservation

Dear Ms. Bohan:

The Northern Cheyenne Tribe has received your letter dated April 30, 2018 regarding the Notice of NPDES Inspections for the Northern Cheyenne Reservation. The inspection from EPA has been scheduled for May 7, 2018 of the Northern Cheyenne Reservation sites, or 7 days from the date of the letter.

Your letter references the EPA Region 8 Policy for Environmental Protection in Indian Country, specifically provides that Notification of inspection, including specific locations will be provide to you as Tribal President and to Tribal Environmental Director at least seven calendar days prior conducting routine inspections. Section IV. B(4) Procedures for Visits or Inspections to Reservation.

However, you fail to recognize or refer to the Principles that are to be used as guidance in the application of the Policy. The Principles in Section III., are provided below:

- A. Region 8 will work with tribal governments on a government-to-government basis.
- B. Region 8 will support the principle of tribal self-government in the implementation and administration of environmental programs.
- C. Region 8's primary focus will be to protect human health and the environment in Indian Country.
- D. Region 8 will seek tribal government agreement before making decisions on environmental matters (other than certain enforcement actions) affecting tribal governments and/or tribal natural resources. If no agreement can be reached, then a formal dispute resolution process can be invoked by either Region 8 or the tribal government.
- E. Region 8 will assist tribal governments in building tribal capacity to manage reservation environmental programs.

LITTLE WOLF AND MORNING STAR – Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.

F. Region 8 will encourage cooperation between tribal and state governments to address environmental issues.

G. Region 8 will work cooperatively with other federal agencies to protect reservation environments.

H. Region 8 will work with tribal governments to encourage the development of public participation processes as part of authorized tribal environmental programs.

The EPA's tone and content of the April 30, 2018 letter does not reflect the principles listed above, and in my view run contrary to those principles.

I am disappointed since I am aware that the Northern Cheyenne Tribe's attorneys as well as the Northern Cheyenne Utility Commission's attorney has been on monthly calls with the EPA regarding NPDES compliance and monitoring issues.

The most recent call regarding the newly approved NPDES permit for the Northern Cheyenne Tribe was issued on March 1, 2018.

The Northern Cheyenne Tribe and its utility authority have demonstrated a willingness to work with the EPA on compliance issues regarding the NPDES permit and compliance issues. However, the Northern Cheyenne Tribe cannot agree to the EPA's planned inspection on such short notice. The principles outlined in the EPA's policy highlight a government-to-government relationship.

The Northern Cheyenne Indian Reservation is sovereign land where the Northern Cheyenne Tribal government retains inherent authority to regulate and govern individuals, visitors, non-Indians and even U.S. government officials. The Northern Cheyenne Tribe is open to discussing an inspection that accommodates and includes the necessary stakeholders, consistent with the principles of the EPA's Indian Policy for Region 8. Otherwise, the EPA's presence on the Northern Cheyenne Indian Reservation is not authorized by the Northern Cheyenne Tribe.

Please feel free to contact me any questions or concerns at 406.477.4871. Thank you.

Sincerely,



L. JACE KILLSBACK

President, Northern Cheyenne Tribe

U.S. EPA